

STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

DT 13- 025

CAPTION

REQUEST FOR WAIVER OF PUC RULE 2505.09(b)

NOW COMES New Hampshire Electric Cooperative, Inc. (NHEC), by and through its attorneys, Devine, Millimet & Branch, P.A., and pursuant to Puc 201.05 and hereby requests that the Commission waive Puc Rule 2505.09(b) regarding the requirement that a utility may serve as an Independent Monitor only at a customer-sited source in that utility's own service territory. In support of this request, NHEC states as follows:

1. On January 23, 2013, NHEC submitted an application for Certification of Certain Customer-Sited Sources in accordance with Puc 2505.08. This application concerns the NHEC Sunapee District Office which is located at 604 Sunapee Street, Newport, New Hampshire and is owned by NHEC. That location is in an area served by PSNH and is not in NHEC's service territory.
2. On February 27, 2013, NHEC received an e-mail from Barbara Bernstein of the PUC Staff, noting that Puc 2505.09(b) indicates that, in order for a utility to serve as an IM, the site must be located within that utility's service territory.
3. NHEC is requesting a waiver to Puc 2505.09(b) in order to allow NHEC to serve as an IM outside of its service territory for this site only. Rule Puc 201.05 provides that the Commission may waive the provisions of any of its rules if (1) the waiver serves the

public interest and (2) the waiver will not disrupt the orderly and efficient resolution of matters before the Commission.

4. Rule Puc 201.05(b) provides further that, in determining the “public interest”, the Commission shall find a waiver request to be in the public interest if “compliance with the rule would be onerous or inapplicable given the circumstances of the affected person” or “the purpose of the rule would be satisfied by an alternative method proposed.” Those requirements are met here.

5. There will be no detriment to PSNH as a result of this requested waiver because PSNH does not serve as an IM. It is logical that, under the unique circumstances of this case, where the site is owned by NHEC and NHEC otherwise serves as an IM, the service territory requirement of the IM rule is onerous and the purpose of the rule can be satisfied by the waiving of that rule in this particular circumstance.

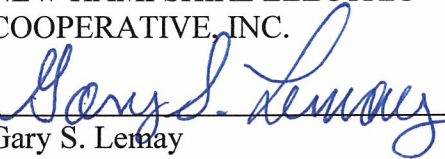
6. Finally, because a waiver of this type does not involve the Commission other than review of the waiver request, and because the factual circumstances in this case are not likely to be repeated, the granting of this waiver will not disrupt the orderly and efficient resolution of matters before the Commission.

WHEREFORE, NHEC respectfully requests that the Commission waive, on an expedited basis, the service territory provision of Puc 2505.09(b) as discussed in this Petition, in order to allow NHEC to serve as an IM in accordance with the application filed in this docket.

Respectfully submitted,

NEW HAMPSHIRE ELECTRIC
COOPERATIVE, INC.

Dated: March 5, 2013

By: 
Gary S. Lemay
NHEC Renewable Energy Engineer